



U.S. Department of Justice

United States Attorney
Southern District of New York

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March 29, 2018

BY ECF

Hon. Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: *Natural Resources Defense Council, Inc. v. U.S. Dep't of Commerce*,
No. 18-cv-583 (AJN)**

Dear Judge Nathan:

I write respectfully on behalf of both parties to provide the Court with information about recent developments in this case, which concerns Plaintiff's July 26, 2017 FOIA request to the U.S. Department of Commerce ("DOC") for documents related to the Secretary of Commerce's 2017 "finding that the summer flounder management plan measures New Jersey had failed to implement were unnecessary for conserving summer flounder." (Complaint ¶ 4.) While the Court has set the initial conference in this case for June 15, 2018, the parties believe that it may be helpful to keep the Court apprised of developments in advance of the conference in the interest of moving the case forward.

After receiving Plaintiff's FOIA request, DOC determined that responsive documents may be found in the records of two DOC components—National Oceanic and Atmospheric Administration ("NOAA") and the Office of the Secretary ("OS"). In the fall of 2017, before Plaintiff filed this action, DOC performed a search of NOAA records responsive to Plaintiff's request and released all non-exempt portions of records returned by that search. DOC recently informed Plaintiff, through the undersigned, that DOC has completed its search of OS records and is presently processing those documents. DOC expects to release all non-exempt portions of responsive OS records by April 20, 2018. After Plaintiff has an opportunity to review those records, the parties will meet and confer to determine whether there are any outstanding disputes in the case and will provide a further update to the Court.

The parties thank the Court for its consideration of this letter.

Respectfully,

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